

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION**

This document relates to:

*The County of Summit, Ohio, et al. v. Purdue
Pharma L.P., et al.*, Case No. 18-op-45090

MDL No. 2804

Case No. 17-md-2804

Hon. Dan Aaron Polster

**DEFENDANT ALLERGAN PLC'S MOTION TO DISMISS PURSUANT TO RULE
12(B)(2) FOR LACK OF PERSONAL JURISDICTION**

Pursuant to Federal Rule of Civil Procedure 12(b)(2), Defendant Allergan plc respectfully requests that the Court dismiss for lack of personal jurisdiction all claims brought against it by Summit County, Ohio and the political subdivisions within the County (together, "Plaintiffs") in the Corrected Second Amended Complaint (ECF No. 514). Personal jurisdiction is lacking over Allergan plc under Ohio's long-arm statute, R.C. § 2307.382, and exercise of it would violate the Due Process limitations of the United States Constitution. Because the Court has no personal jurisdiction over Allergan plc, as explained further in the attached memorandum in support of this Motion, Allergan plc should be dismissed from this case.¹

¹Allergan plc has repeatedly told Plaintiffs it is willing to accept service of the complaint pursuant to the Court's November 9, 2018 Order (ECF No. 1108), although Plaintiffs have balked at Allergan plc's willingness to do so unless it also waives service for subsidiary entities that are not named as parties to this lawsuit. In any event, Allergan plc has not yet had a chance to respond to the Complaint. CMO-1 expressly contemplates motions to dismiss in this action, *see* ECF No. 232 ¶ II(B), and makes clear that "nothing in this Order is intended to waive any Defendant's right to file an individual motion to dismiss in any or all of the above-listed cases in the future on any grounds, including lack of personal jurisdiction," *id.* ¶ II(J). As such, because there is no constitutional basis to assert personal jurisdiction over Allergan plc and consistent with due process principles, Allergan plc moves for dismissal on this narrow ground.

Dated: January 15, 2018

Respectfully submitted,

/s/ Donna Welch

Donna Welch, P.C.
KIRKLAND & ELLIS LLP
300 North LaSalle
Chicago, IL 60654

Counsel for Allergan plc f/k/a Actavis plc

CERTIFICATE OF SERVICE

I certify that, on January 15, 2019, I filed a copy of the foregoing electronically. The Court's electronic filing system will send notice of this filing to all parties. Parties may access this filing through the Court's system.

/s/ Donna Welch

Donna Welch, P.C.
KIRKLAND & ELLIS LLP
300 North LaSalle
Chicago, Illinois 60654
(312) 862-2000
donna.welch@kirkland.com